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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/734,554

12/12/2003

Raja Neogi

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59796

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07/10/2007

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EXAMINER

BROWN, VERNAL U

ART UNIT

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2612

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

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<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/734,554	NEOGI, RAJA	
	<b>Examiner</b>	<b>Art Unit</b>	
	Vernal U. Brown	2612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 23 March 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

This action is responsive to communication filed on April 23, 2007.

#### ***Response to Argument***

Applicant's arguments filed April 23, 2004 have been fully considered but they are not persuasive.

Regarding applicant's argument regarding the highlighting of the user selected option and low-lighting the unselected options, the reference of Yamamoto et al. teaches highlighting the options selection by the user (col. 6 lines 60-63). It is further the examiner's position that if the selected options are highlighted the unselected options are inherently low-lighted because the selected options are considered highlighted relative to the unselected options. Therefore if the selected options are considered highlighted the unselected option must be considered as low-lighted.

The addition of claim 9 to the rejection of claims 18 and 27 in the present office action represents a correction to typographical error. Since claim 9 was listed on the cover sheet as being rejected and the subject matter for claim 9 was rejected for claims 18 and 27 a final is proper.

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-2, 5- 7, 10-11, 14-16, 19-20, and 22-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Choi US patent Application Publication 20050256590 in view of Yamamoto et al. US Patent 6970539 and further in view of Lehman et al. US Patent 6292186.

Regarding claims 1, 7, 10, 16, Choi teaches establishing a session between a remote control (40) and a media center (10); authenticating a user at the media center to determine a user interface and an execution environment for the device (paragraph 007-008); Choi teaches sending the user interface to the remote control (step 560 and S570 in figure 5A). Choi also teaches receiving a command at the media center from the user via the remote in the form of request for data (paragraph 0020). Choi is silent on teaching sending the user interface and the execution environment to the device and allowing the user to modify the user interface, sending the modified user interface to the media center and highlighting the option selected by the user and low lighting the option not selected by the user. Yamamoto et al. in an art related remote control system teaches a media center transmitting the control information to the appliance based on the users selection (col. 2 lines 51-56). Yamamoto et al. teaches the remote control function is carried out from the media center (base station) and the software program in the base station is updateable in order to carry changes in the remote control operation (col. 2 lines 60-col. 3 line 3). Yamamoto et al. also teaches highlighting the options selection by the user (col. 6 lines 60-63). It is further the examiner's position that if the selected options are highlighted the unselected options are inherently low lighted because the selected options are considered highlighted relative to the unselected options. Therefore if the selected options are considered highlighted the unselected option must be considered as low-lighted. Lehman et al. in an art related remote

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control system teaches allowing a user to modify a user interface of a remote control (col. 3 lines 54-57, col. 15 lines 43-54). The examiner take official action that one skilled in the art recognizes that modification of the user interface in a remote control must be communicated to the media center in order to enable the media center to interpret command from the remote control.

It would have been obvious to one of ordinary skill in the art to modify the system of Choi as disclosed by Yamamoto et al. in view of Lehman et al. sending the user selected interface and the execution environment over to the appliance allows the appliance to be provided with the necessary information to execute the user's instruction and the transmission of the modified user interface to the media center provides the means for interpreting the control signal from the modified user interface.

Regarding claims 2, 11, Choi teaches the remote control, the device, and the media center are connected via a wireless network (paragraph 007).

Regarding claims 5-6 and 14-15, Choi teaches downloading control data to the remote control as illustrated in figure 5A. The data to be downloaded is selected by the user (paragraph 0020). The downloaded data is considered modification data because the functions of the remote control are modified based on the downloaded data.

Regarding claims 19, 25-26, Choi teaches establishing a session between a remote control (40) and a media center (10); authenticating a user at the media center to determine a user interface and an execution environment for the device (paragraph 007-008); Choi teaches sending the user interface to the remote control (step 560 and S570 in figure 5A). Choi also

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teaches receiving a command at the media center from the user via the remote in the form of request for data (paragraph 0020). Choi is silent on teaching sending the user interface and the execution environment to the device and allowing the user to modify the user interface and sending the modified user interface to the media center. Yamamoto et al. in an art related remote control system teaches a media center transmitting the control information to the appliance based on the users selection (col. 2 lines 51-56). The method of downloading data to the remote control and device is performed by computers therefore a machine-readable medium for carrying out the download function is inherently included. Yamamoto et al. also teaches highlighting the options selection by the user (col. 6 lines 60-63). It is further the examiner's position that if the selected options are highlighted the unselected options are inherently low lighted because the selected options are considered highlighted relative to the unselected options. Therefore if the selected options are considered highlighted the unselected option must be considered as low-lighted. Lehman et al. in an art related remote control system teaches allowing a user to modify a user interface of a remote control (col. 3 lines 54-57, col. 15 lines 43-54). The examiner take official action that one skilled in the art recognizes that modification of the user interface in a remote control must be communicated to the media center in order to enable the media center to interpret command from the remote control.

It would have been obvious to one of ordinary skill in the art to modify the system of Choi as disclosed by Yamamoto et al. in view of Lehman et al. sending the user selected interface and the execution environment over to the appliance allows the appliance to be provided with the necessary information to execute the user's instruction and the transmission of

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the modified user interface to the media center provides the means for interpreting the control signal from the modified user interface.

Regarding claim 20, Choi teaches the remote control, the device, and the media center are connected via a wireless network (paragraph 007).

Regarding claims 23-24, Choi teaches downloading control data to the remote control as illustrated in figure 5A. The data to be downloaded is selected by the user (paragraph 0020). The downloaded data is considered modification data because the functions of the remote control are modified based on the downloaded data.

Claims 3-4, 12-13, and 21-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Choi US patent Application Publication 20050256590 in view of Yamamoto et al. US Patent 6970539 in view of Lehman et al. US Patent 6292186 and further in view of Pasternak US Patent Application 20040122930.

Regarding claims 3-4, 12-13, 21-22 Choi teaches downloading data to the handheld remote control (paragraph 0019) but is not explicit in teaching the remote control device is 802.11b compatible. One skilled in the art recognizes that 802.11b represents a standard wireless interface evidenced by Pasternak (paragraph 0018).

It would have been obvious to one of ordinary skill in the art for the remote control to be 802.11b compatible because 802.11b interface represents a standard interface used in wireless

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devices and the standard interface allows the remote control to be compatible with other wireless devices.

Claims 8 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Choi US patent Application Publication 20050256590 in view of Yamamoto et al. US Patent 6970539 in view of Lehman et al. US Patent 6292186 and further in view of Witkowski et al. US Patent Application 20040110472.

Regarding claims 8 and 17, Choi teaches downloading data to the handheld remote control (paragraph 0019) but is silent on teaching the data is downloaded from the manufacture website. One skilled in the art recognizes that configuration information for a device is sometimes available on the device manufacturer website as evidenced by Witkowski et al. (paragraph 0076).

It would have been obvious to one of ordinary skill in the art to download the remote control data from the device manufacture website because this allows the manufacturer to control what remote control codes available to the public.

Claims 9, 18 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Choi US patent Application Publication 20050256590 in view of Yamamoto et al. US Patent 6970539 in view of Lehman et al. US Patent 6292186 and further in view of Barone et al. US Patent 5315711.

Regarding claims 9, 18 and 27, Choi teaches the media center receiving the command from the user (paragraph 0020) but is silent on teaching the media center saves a trace for the command. Barone et al. in an art related remote control system teaches a function for recalling a



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previous entered command (col. 8 lines 54-65), which is the functional equivalent to the trace command.

It would have been obvious to one of ordinary skill in the art to provide a trace command in Choi because this provides a convenient function for recalling a previously executed function.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vernal U. Brown whose telephone number is 571-272-3060. The examiner can normally be reached on 8:30-7:00 Monday-Thursday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Zimmerman can be reached on 571-272-3059. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Vernal Brown  
June 28, 2007

  
EDWIN C. HOLLOWAY III  
PRIMARY EXAMINER